

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

GARY LYNN KARL SR. §  
v. § CIVIL ACTION NO. 6:16cv1134  
BRANDI PEACE §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Gary Karl Sr., proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Karl was released from prison during or prior to August of 2017, but has not notified the Court of his mailing address or current whereabouts. The lawsuit form completed by Karl contains a section stating “it is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked ‘NOTICE TO THE COURT OF CHANGE OF ADDRESS’ and shall not include any motion(s) for any other relief. Failure to file a ‘NOTICE TO THE COURT OF CHANGE OF ADDRESS’ may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.” (Docket no. 1, p. 2).

The lawsuit form also contains a separate declaration stating “I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of the lawsuit.” (Docket no. 1, p. 4).

The Magistrate Judge issued a Report recommending that the lawsuit be dismissed for failure to prosecute. A copy of this Report was sent to Karl at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has examined the pleadings in this cause and the Report of the Magistrate Judge and has concluded that this Report is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

**ORDERED** that the Report of the Magistrate Judge (docket no. 24) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. Fed. R. Civ. P. 41(b). It is further

**ORDERED** that the statute of limitations is suspended for a period of 90 days following the date of entry of final judgment. It is further

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**So Ordered and Signed**

May 23, 2018



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Ron Clark, United States District Judge